REMARKS

Applicants have carefully reviewed the Application in light of the final Office Action mailed on December 10, 2008. Applicants respectfully request reconsideration of the present application in light of the following remarks.

DOUBLE PATENTING

Under the non-statutory double patenting, claims 1, 8, 9, 20, 26, and 44 stand rejected as being unpatentable over claim 24 of U.S. Patent No. 6,571,221, claims 1, 8, 9, 20, and 26 stand rejected as being unpatentable over claim 1 of U.S. Patent No. 5,835,061, and claims 1, 8, 9, and 20 stand rejected as being unpatentable over Claim 13 of U.S. Patent No. 5,835,061.

Applicants respectfully traverse these double patenting rejections.

With respect to claim 24 of U.S. Patent No. 6,571,221 to Stewart et al. (hereinafter "the '221 patent"), independent claims 1, 9, 20, 26, and 44 recite the *additional and different* limitation of "identification information" that identifies a *specific VLAN or network provider* among a plurality of possible VLANs and network providers, which is not disclosed in the '221 patent or recited in claim 24 of the '221 patent. Consequently, independent claims 1, 9, 20, 26, and 44 patentably distinct from claim 24 of the '221 patent.

Claim 24 of the '221 patent recites that the access point receives a digital certificate from a portable computing device, which provides *sponsorship information of the mobile user*. This sponsorship information is used to *compute access charges*. Thus, the sponsorship information is information with respect to the *mobile user*. The access point does not select *any VLAN or network provider* based on the sponsorship information in any manner.

The "sponsorship information" recited in claim 24 of the '221 patent completely differs from the "identification information" recited in independent claims 1, 9, 20, 26, and 44 of the present application. They identify different matters and are used differently and for different purposes. It would not be obvious to one skilled in the art to derive the usage of the identification information of the present application from the sponsorship information of the '221 patent. Therefore, independent claims 1, 9, 20, 26, and 44 of the present application are patentably distinct from claim 24 of the '221 patent.

With respect to claims 1 and 13 of U.S. Patent No. 5,835,061 to Stewart (hereinafter "the '061 patent"), again, independent claims 1, 9, 20, 26, and 44 recite the *additional and different* limitation of "identification information" that identifies a *specific VLAN or network provider* among a plurality of possible VLANs and network providers, which is not disclosed in the '061 patent or recited in claims 1 and 14 of the '061 patent. Consequently, independent claims 1, 9, 20, 26, and 44 patentably distinct from claims 1 and 13 of the '061 patent.

Claim 1 of the '061 patent recites that the access point detects a *beacon signal* transmitted by a portable computer, and the beacon signal includes a unit ID used to identify the *portable computer*. Thus, the beacon signal provides information about the portable computer, not about any VLAN or network provider. Similarly, claim 13 of the '061 patent recites that the mobile unit conveys a unit ID to one of the access points, and the unit ID *identifies the mobile unit*. In both claims 1 and 13 of the '061 patent, there is no concept regarding selecting one VLAN or network provider among a plurality of possible VLANs or network providers *based on identification information sent by the mobile unit that identifies the desired VLAN or network provider*. Instead, the unit ID identifies the mobile unit.

In fact, both the '221 patent and the '061 patent focus on a different aspect of the wireless network from the one of the present application. Briefly, both the '221 patent and the '061 patent focus on providing *an access point among a plurality of access points* to a mobile unit based on the geographic location of the mobile unit. In contrast, the present application focuses selecting a VLAN or network provider among a plurality of VLANs or network providers, and each access point is capable of interaction with multiple VLANs or network providers.

CLAIM REJECTIONS - 35 U.S.C. §§ 102 & 103

Claims 9 and 19 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticiapated by U.S. Patent No. 5,835,061 to Stewart ("Stewart").

Under 35 U.S.C. § 103(a): claims 1-3 and 7 stand rejected as allegedly being unpatenable over Stewart and Draft Standard P802.1Q/D11 ("P802.1Q/D11"), claims 4 and 31 over Stewart, P802.1Q/D11, and U.S. Patent No. 5,864,667 to Barkan ("Barkan"), claims 10-11 and 13-14 over Stewart and U.S. Patent No. 5,684,988 to Pitchaikani et al. ("Pitchaikani"), claims 12 and

15 over Stewart, Pitchaikani, and RFC 1213 of McCloghrie ("McCloghrie"), claim 16 over Stewart and Barkan, claims 17-18 over Stewart and 802.11D-1997 ("802.11D"), claims 20-21 over Stewart and "Billing User and Pricing for TCP" by Edell ("Edell"), claim 23 over Stewart, Edell, and Barkan, claims 24-25 over Stewart, Edell, and 802.11D, claims 26-27, 30, and 32 over Stewart and Pitchaikani, claims 28-29, 33-37, and 41-43 over Stewart, Pitchaikani, and 802.11D, claims 38-40 over Stewart, Pitchaikani, 802.11D, and "A Channel Access Protocol for Multihop Wireless Channels with Multiple Channels" by Muir ("Muir"), claims 4 and 31 over Stewart, Pitchaikani, and Barkan, claims 44-50, 57-58, and 65 over Stewart and Pitchaikani, claims 51-53 and 64 over Stewart, Pitchaikani, and P802.1, claim 54 over Stewart, Pitchaikani, and Barkan, claims 55-56 over Stewart, Pitchaikani, and 802.11D; and Claims 59-63 over Stewart, Pitchaikani, and "IP Tunnel MIB" by Thaler ("Thaler").

These rejections are respectfully traversed for the reasons discussed below.

First, with respect to independent claims 1, 9, 20, 26, and 44, Stewart does not disclose the limitation "identification information" and its usage recited therein. Specifically:

- claim 1 recites that the identification information indicates a *VLAN* and the wireless access point determines *one VLAN among a plurality of possible VLANs* according to the identification information; and
- claim 9, 20, 26, and 44 recite that the identification information indicates a *network provider* and the wireless access point determines *one network provider among a plurality of possible network providers* according to the identification information.

The outstanding office action alleges that Stewart discloses the limitation "identification information" and its usage as recited in the independent claims of the present application (see outstanding office action, pages 52, 56, 75, 83, and 106). More specifically, the outstanding office action points to Stewart's "identification code" generated by the mobile unit 5 as equivalent to the "identification information" of the present application. Applicants respectfully disagree.

The phrase "identification information" is very generic. Any data that may be used to identify something or someone may be referred to as identification information. Thus, within different context, the term may have different meanings. For example, a driver license number is one type of identification information to a person, and a MAC address is one type of identification information to a network device. Although both the driver license number and the MAC address may be referred to as "identification information", they identify different entities and are used in different manners and for different purposes. In other words, although both are considered "identification information", a driver license number is generally not equivalent to a MAC address.

With Stewart, the identification information, or more precisely the identification code, identifies a specific *user*. Stewart specifically states, "Such an identification code allows recognition of a user before providing access to system services, thereby providing a measure of security and a service billing mechanism." (See Stewart, col. 3, lines 60-63.) Stewart also states, "according to the invention, system software could be programmed to provide service gates in which a user identification code is compared with a list of authorized codes for access to the particular service." (See Stewart, col. 5, lines 12-15.)

Stewart also discloses another type of identification information, which identifies a *mobile unit* associated with the user. Stewart states, "The information sent back to network 15 includes the identification number of the mobile unit 5 and AP 10, thereby identifying both the user and his location to the network." (See Stewart, col. 5, lines 43-47.) Stewart also states, "Such a response could be either a simple presence indication causing the AP 10 to transmit a further inquiry message requesting the mobile unit's identification information. Alternatively, in response to an AP scan, the mobile 5 could transmit its identification data immediately." (See Stewart, col. 5, lines 60-65.) Although not explicitly stated, it appears that both the identification code and the identification information may refer to the same data.

Thus, within the context of Stewart's system, the identification information identifies a *user* or a *mobile unit* associated with the user. The network or access point uses the identification information to authenticate the user or the user's mobile unit in order to determine the type of service that may be provided to the user. Regardless of whether the user identification information and the mobile unit identification information refer to the same piece

of information or two different pieces of information, *Stewart's identification information is with respect to the user and the user's mobile unit* and is used to identify the user or the user's mobile unit.

In contrast, within the context of the present application, the identification information identifies one *VLAN* or one *network provider* among a plurality of possible VLANs or a plurality of possible network providers. The access point disclosed in the present application is capable of interacting with multiple VLANs or network providers. A portable computing device communicates to the access point which one of the multiple possible VLANs or network providers it desires by providing to the access point the identification information that *identifies the desired VLAN or network provider*. The access point uses this identification information to pick out the desired VLAN or network provider among the multiple possible VLANs or network providers.

Stewart's identification information *cannot* be used to pick out one VLAN or network provider from a plurality of possible VLANs or network providers, *because Stewart's identification information identifies a user or a mobile unit, not a VLAN or a network provider*. Therefore, Stewart does not disclose any form of identification information that may be used to identify a VLAN or network provider among a plurality of possible VLANs or network providers, as recited in the independent claims of the present application. Consequently, independent claims 1, 9, 20, 26, and 44 are patentably distinct from Stewart.

The pending dependent claims directly or indirectly depend from the independent claims respectively and are therefore respectfully submitted to be patentable over Stewart and selected cited secondary references for at least the reasons set forth above with respect to the independent claims. Further, these dependent claims recite additional limitations that when considered in the context of the claimed invention further patentably distinguish the art of record.

NEW CLAIMS

Claims 66 and 67 are new. Support for claim 66 may be found, for example, on page 18, at lines 23-29 of the present specification. Support for claim 67 may be found, for example, on page 20, at lines 12-14 of the present specification. Claims 66 and 67 depend on claim 44

directly or indirectly, and therefore are patentable for at least the reasons set forth above with respect to claim 44.

In addition, claim 66 recites that the access point may receive different sets of identification information corresponding to different network providers. Some sets of the identification information are recognized by the access point, while other sets of the identification information are not recognized by the access point. As explained above, Stewart does not disclose any identified information with respect to network providers. The identification information sent by the mobile unit 5 identifies the user associated with the mobile unit or the mobile unit itself. Consequently, Stewart does not disclose that an access point may receive different sets of identification information corresponding to different network providers that is *either recognized or unrecognized* by the access point.

Claim 67 recites that when the access point receives a set of identification information that is *not recognized* by the access point, the access point selects a default network provider. There is nothing in Stewart that discloses or suggests this limitation.

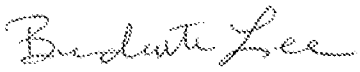
CONCLUSION

In light of the foregoing, Applicants believe that all currently pending claims are presently in condition for allowance. Applicants respectfully request a timely Notice of Allowance be issued in this case.

If a telephone conference would advance prosecution of this Application, the Examiner may call or email Bernadette Lee, Attorney for Applicants, at 650-739-7506 or bernadette.lee@bakerbotts.com respectively.

The Commissioner is hereby authorized to charge for two new claims in excess of 20 fee of $104.00 under 37 CFR §1.16(i), and a Request for continued examination (RCE) fee 37 CFR §1.17(e) of $810.00, and any fee and credit any overpayment to Deposit Account No. 02-0384 of Baker Botts LLP.

Respectfully submitted,
BAKER BOTTS L.L.P.
Attorneys for Applicant



Bernadette Lee
Reg. No.: 60,298

Date: January 30, 2009
Customer Number: 05073